



**FEDERAL COMMUNICATIONS COMMISSION  
ENFORCEMENT BUREAU**  
North Region

**Chicago District Office**  
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October 29, 2013

Via Certified Mail Return Receipt and Regular Mail

American Wireless Broadband  
Chicago, Illinois

**NOTICE OF UNLICENSED OPERATION AND  
NOTIFICATION OF HARMFUL INTERFERENCE**

Case Number: EB-FIELDNER-13-00011329  
Document Number: W201432320001

On September 18, 2013, an agent from the Enforcement Bureau's Chicago Office responded to information provided by the Federal Aviation Administration (FAA) that the Terminal Doppler Weather Radar (TDWR) that serves the Chicago Midway airport had been receiving interference in the 5645 MHz band. The agent confirmed by direction finding techniques that radio emissions with a 40 MHz bandwidth centered on frequency 5650 MHz were emanating from the rooftop of the Noble Square Cooperative, 1165 North Milwaukee Avenue, Chicago, Illinois, the location of one of American Wireless Broadband's Unlicensed National Information Infrastructure (U-NII) devices. The device had no external labels or identification but the transmitter was subsequently identified by American Wireless Broadband as a DBii Networks F52N with FCC ID VKV-F52N. On September 18, 2013, the agent contacted you and informed you of the interference problem. When the center frequency of your U-NII device was moved out of the TDWR operational band, the interference to the Midway TDWR ceased.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules. Non-licensed operation pursuant to Part 15 of the Commission's rules, however, is conditioned upon compliance with all applicable regulations in the subpart, 47 C.F.R. § 15.1(b). All intentional radiators operating pursuant to Part 15 of the FCC's rules must be certified for use as a Part 15 device, 47 C.F.R. § 15.201(b) and failure to operate such device consistent with its authorization violates Part 15 of the Commission's rules.

The DBii F52N device is not authorized for use on 5650 MHz.<sup>1</sup> Accordingly, your operation of the DBii F50N-PRO device on frequency 5650 MHz does not comply with the requirements of Part 15 of the Commission's rules and should therefore be licensed by the FCC. The FCC has no record of a license being issued to you to operate a transmitter on 5620 MHz from 1165 North Milwaukee Avenue, Chicago, Illinois. Thus, your operation was in violation of 47 U.S.C. § 301.

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<sup>1</sup> According to the VKV-F52N equipment authorization, the DBii device is authorized to operate in the following bands: 2400 to 2483.5 MHz, 4940 to 4990 MHz, and 5725 to 5850 MHz. See 47 C.F.R. § 15.247.

Non-licensed operation of a U-NII device is also subject to the condition that it must not cause harmful interference and, if harmful interference occurs, operation of the device must cease. *See* 47 C.F.R. §§ 15.5(c), 15.405. Harmful interference is defined as “[a]ny emission, radiation or induction that endangers the functioning of a radio navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radio communications service.” 47 C.F.R. § 15.3(m).

You are hereby notified that your DBii device operating on 5650 MHz was causing harmful interference to the TDWR at the Chicago Midway airport and that your operation of this device must not resume, until the interference can be resolved. You are also hereby warned that operation of radio transmitting equipment without a valid radio station authorization, including non-certified equipment or modified equipment which voids the certification, and/or operation of otherwise authorized equipment that continues to cause harmful interference after your receipt of this warning, constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

**UNLICENSED OPERATION ON FREQUENCY 5650 MHZ MUST NOT RESUME. NONLICENSED OPERATION OF A U-NII DEVICE MAY NOT RESUME UNLESS YOU ARE IN FULL COMPLIANCE WITH PART 15 OF THE FCC’S RULES AND UNTIL YOU RESOLVE THE HARMFUL INTERFERENCE.**

You have ten (10) days from the date of this notice to respond with any evidence that your transmitter is not the source of the interference to the TDWR. Your response should describe the steps you are planning to take to eliminate future interference to the TDWR of the Chicago Midway airport. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission’s staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

James M. Roop  
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